

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TRUSTEES OF THE LABORERS
PENSION TRUST FUND-DETROIT
& VICINITY, *et al*,

Plaintiffs,

Case No. 14-cv-13030
Hon. Matthew F. Leitman

v.

JENKINS CONSTRUCTION, INC.,
et al,

Defendants.

**CONSENT ORDER AMENDING
JUDGMENT ENTERED AUGUST 26, 2016**

THIS MATTER having come before the Court upon Plaintiffs' Motion to Amend Judgment [Docket No. 27] to add interest, costs and attorney fees, the parties having reached a resolution of that Motion pursuant to the terms set forth below, and this consent order having come before the Court upon the consent of the parties thereto, as evidenced by the below signatures of their counsel, and the Court having noted such consent and being otherwise more fully advised in the premises,

NOW THEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED as follows:

1. Plaintiffs' Motion to Amend Judgment is hereby granted as provided herein.

2. The Consent Judgment entered in this proceeding on August 26, 2016 in the principal amount of \$55,724.43 in favor of Plaintiffs and against Defendants Jenkins Construction, Inc. and Jenkins Enterprise, Inc., Alter Egos, Jointly and Severally (“Defendants”), is hereby amended to reflect unpaid fringe benefit contributions owed by Defendants in the amount of \$50,409.10, for the period of January, 2009 through August, 2012, plus accrued liquidated damages of \$5,315.33, for the same time period, plus \$10,723.63 for interest assessed pursuant to 26 U.S.C. § 6621, plus \$10,723.63 for a second award of interest assessed pursuant to 26 U.S.C. § 6621, plus attorney’s fees and costs in the amount of \$6,775.00, less payments made by Defendants in the amount of \$24,000.00, for a total Amended Judgment of \$59,946.69 (the “Judgment Indebtedness”) in favor of Plaintiffs and against Defendants, jointly and severally, and Plaintiffs shall have full rights of execution thereon.

3. Post-judgment interest will accrue on the Judgment Indebtedness as provided for in 28 U.S.C. § 1961 from the date of entry of this Amended Judgment, and Plaintiffs shall have execution thereon.

4. Defendants shall permit Plaintiffs to conduct an immediate audit of their payroll books and related records for the time period beginning September, 2012 through to the date of audit, as has been requested by Plaintiffs in accordance with applicable provisions of the subject collective bargaining agreement, and Defendants shall produce all of the requested payroll books and records and other related records

within fourteen (14) days of entry hereof to auditors for Plaintiffs, Stefansky, Holloway & Nichols, so as to allow Plaintiffs' auditors to complete its review of said records for the purposes of completing an updated audit through the time period requested herein. The production of the requested records shall include, in addition to the payroll books and records of the Defendants, the payroll records of a non-party entity known as Constructive Services, LLC, as well as other related books and records as may be requested by Plaintiffs' auditors.

5. Plaintiffs are granted leave of this Court to file a motion to amend this Amended Judgment from time-to-time to add and otherwise reflect additional amounts owed based on any audit conducted by Plaintiffs and/or any unfunded fringe benefit contributions reports submitted by Defendants, including all unpaid fringe benefit contributions and related liquidated damages, interest, costs and attorney's fees. Said motion to amend shall be accompanied by an affidavit of Plaintiffs' counsel setting out all amounts determined to be due pursuant to any such audit or unfunded reports, as the case may be.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: November 17, 2016

APPROVED FOR ENTRY:

ERMAN, TEICHER,
ZUCKER & FREEDMAN, P.C.

/s/ Dianne S. Ruhlandt
DIANNE S. RUHLANDT (P60483)
Attorneys for Plaintiffs
400 Galleria Officentre, Ste. 444
Southfield, MI 48034
(248) 827-4100
druhlandt@ermanteicher.com

JAMES W. McGINNIS, PC

/s/ James W. McGinnis (by consent)
JAMES W. McGINNIS (P29323)
Attorney for Defendants
985 East Jefferson Ave., Ste. 100
Detroit, MI 48207
(313) 446-9582
d19a792@sbcglobal.net